

**REMARKS**

Claims 20-24, 26-30, and 32-39 were pending at the time of the last Office Action. Applicant has amended claims 20-24, 26-30, and 32-38. Thus, claims 20-24, 26-30, and 32-39 are still pending.

The Examiner has rejected claims 20-24, 26-30, and 32-39 under 35 U.S.C. § 112, second paragraph, as being indefinite. Although applicant generally disagrees, applicant has amended the claims in a manner that is generally consistent with the Examiner's recommendation. Applicant, nevertheless, discusses some of the Examiner's concerns in the following.

As to claims 20-24, the Examiner suggests that "and not being session initiation protocol ("SIP") enabled" should be removed from claim 20. (Office Action, April 15, 2010, p. 2.) Applicant has amended the claim as suggested. The Examiner believes "that the body of the claim inherently requires the TDM phone to be SIG-enabled [sic, SIP-enabled]." (*Id.* at p. 3.) The Examiner's belief is incorrect. Although the client system does indeed send SIP messages to control a telephony device that is a TDM phone, the front end converts the messages between the SIP and the CTI protocol. Thus, messages presented to the telephony device are in the CTI protocol, not SIP. Nevertheless, applicant has amended claim 20 to address the Examiner's concern.

As to claim 26-30 and 32, the Examiner has requested that "computer-readable storage medium" be replaced with "computer-readable non-transitory medium." (Office Action, April 15, 2010, p. 6.) Applicant believes that the current language of the claims places the claims in the statutory category of a machine or a manufacture and clearly does not encompass a transitory signal. (See, *In re Nuijten*, 84 U.S.P.Q.2d 1495 (Fed. Cir. 2007).) In a recent communication, the Examiner pointed to the position of the Director of the U.S.P.T.O. that adding "non-transitory" to the claims would not introduce new matter. Unfortunately, the Director's position does not have the force of law, and the courts are free to reach a different conclusion on the new matter issues. To avoid

the new matter issue and to address the Examiner's concerns, applicant has amended the claims to recite "a computer-readable storage device." Support for this amendment can be found on page 11 and 13 of applicant's specification. Nevertheless, applicant has amended the claims to clarify that the "computer-readable medium is not a signal."

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268867US from which the undersigned is authorized to draw.

Dated: October 15, 2010

Respectfully submitted,

By   
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